IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17205 of 2004

Between:

1 Vajra Vikram, S/o. Krishna Murthy,
Caste B.C., Plot No.1, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
2 Vajra Surender, S/o. Krishna Murthy,
Caste B.C., Plot No.2, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
3 Bandi Ramulu, S/o. Sailu,
Caste B.C., Plot No.4, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
4 Kannavena Mondaiah, S/o. Cheralu,
Caste B.C., Plot No.6, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
5 Kannavena Odhelu, S/o. Cheralu,
Caste B.C., Plot No.9, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
6 Md. Bashamiya, S/o. Ankus,
Caste B.C., Plot No.14, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
7 Md. Hajamiya, S/o. Himah Saheb,
Caste B.C., Plot No.16, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
8 Boga Sadanandam, S/o. Ramachandram,
Caste B.C., Plot No.20, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
9 Boga Venkateswarlu, S/o. Ramachandram,
Caste B.C., Plot No.20, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
10 Gutla Lakshminarayana, S/o. Kanukaiah,
Caste B.C., Plot No.22, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
11 Peguda Narsaiah, S/o. ramu7lu,

Caste B.C., Plot No.24, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

12 Nayani Ramchandram, S/o. gattaiah,
Caste B.C., Plot No.25, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

13 Gudepu Venkatarathnam, S/o. shivalingu,
Caste B.C., Plot No.29, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

14 Sheelu Mallaiah, S/o. Pethaiah,
Caste B.C., Plot No.30, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

15 Sokala Poshaiah, S/o. Pethaiah,
Caste B.C., Plot No.30, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

16 Bamandlapelli Narsaiah, S/o. Meenaiah,
Caste B.C., Plot No.34, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

17 Bamandlapelli Venkanpa, S/o. Meenaiah,
Caste B.C., Plot No.35, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

18 Pampelli Sambaiah, S/o. Rajeeru,
Caste B.C., Plot No.37, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

19 Yedla Mogili, S/o. Rajarar,
Caste B.C., Plot No.40, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

20 Parlapelli Komraiah, S/o. Rajeeru,
Caste B.C., Plot No.41, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

21 Pasula Sammaiah, S/o. Veeraiah,
Caste B.C., Plot No.42, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

22 Konkimalla Mondaiah, S/o. Rajamallu,
Caste B.C., Plot No.45, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

23 Burugu Ravindhar, S/o. Veeraiah,
Caste B.C., Plot No.46, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

24 Mudhamalla Veeraiah, S/o. Rajaiah,
Caste B.C., Plot No.47, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

25 bogam Sudhakar, S/o. Rayamallu,
Caste B.C., Plot No.48, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

26 Keesari Bikshapathi, S/o. Bondhaiah,
Caste B.C., Plot No.49, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

27 Keesari Venkamma, W/o. Narsaiah,
Caste B.C., Plot No.50, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

28 Keesari Ailamma, W/o. shankariah,
Caste B.C., Plot No.51, R/o. Madipalli Village, Jammikunta Mandal, Karimnagar District.

29 Myadhari Nampelli, S/o. Rajaiah,
Caste B.C., Plot No.52, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
30 Dasari Shankar, S/o. Ailaiah,
Caste B.C., Plot No.53, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
31 Parlapelli Rajendhar, S/o. Veeraiah,
Caste B.C., Plot No.54, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
32 Parlapelli Veeraiah, S/o. Kanukaiah,
Caste B.C., Plot No.55, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
33 Myakamalla Mogilaiah, S/o. Lingaiah,
Caste B.C., Plot No.56, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
34 Pasaragonda Ailaiah, S/o. Yendkaiah,
Caste B.C., Plot No.60, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
35 Kathera Bhanaiah, S/o. Roshaiah,
Caste B.C., Plot No.64, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
36 Gudepu Isthari, S/o. Veeraiah,
Caste B.C., Plot No.65, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
37 Ponuganti Saraiah, S/o. Venkataiah,
Caste B.C., Plot No.68, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
38 Guthikonda Rajendhar, S/o. sailu,
Caste B.C., Plot No.69, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
39 Guthikonda Sailu, S/o. Rajeeru,
Caste B.C., Plot No.70, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
40 Gampala Mallaiah, S/o. Odhelu,
Caste B.C., Plot No.72, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
41 Gampala Mahender, S/o. Mallaiah,
Caste B.C., Plot No.73, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
42 Dharshanala Lakshminarayana, S/o. Rajalingam,
Caste B.C., Plot No.76, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
43 Boja Ramulu, S/o. Balaiah,
Caste B.C., Plot No.77, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.
44 Gudepu Janardhan, S/o. Ramaswamy,
Caste B.C., Plot No.78, R/o. Madipalli Village, Jammikunta Mandal,
Karimnagar District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Jammikunta Mandal, Karimnagar District.
2 The Mandal Revenue Inspector, Jammikunta Mandal, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents on 19-8-2004 for demanding to vacate from the petitioners house sites plots in respect of Plot Nos. 1,2,4,6,9,14,16,20,21,22, 24,25,29,30,31,34,35,40,41,42,45, to 56, 60,64,65,68,70,72,73,76,77, and 78 in Sy.No.403, 404/A and 408/2A situated at Madipalli Village, Jammikunta Mandal, Karimnagar District, without canceling of patta certificates under proceedings No.B/830/1993 Plot Nos. 1,2,4,6,9,14,16,20,21,22,24,25,29,30,31,34,35,40,41,42,45, to 56, 60,64,65,68,70,72,73,76,77, and 78 which is illegal and null and void against the principles of natural justice.

Counsel for the Petitioner:MR.K.BUCHI BABU

Counsel for the Respondent No.: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Petitioners, admittedly, who belong to S.C., B.C. and minorities, were granted house site pattas in the year 1993, by the Mandal Revenue Officer-first respondent herein, after due enquiry. It is stated that the Assistant Engineer of A.P. Housing Board, who inspected the site, had also submitted his report to the Deputy Executive Engineer of A.P. Housing Board recommending for construction of houses in the sites allotted to the petitioners. But, as the proposals have not yet been finalized, the petitioners stated to have erected huts and have been residing therein. While so, it is alleged, the first respondent, on 19.8.2004 inspected the petitioners plot sites and without any prior notice, demanded them to vacate the same, which resulted in filing the present writ petition.

The main contention of the learned counsel for the petitioners is that without cancelling the patta certificates issued in favour of the petitioners with due notices, they cannot be dispossessed from the plots in question.

In the counter affidavit filed on behalf of the respondents, it is stated that after approval of the Collector (Housing), Karimnagar vide proceedings No.WSHC/3674/E2/92, dated -02-1993, patta certificates were prepared and approved by the first respondent by proceedings dated 15.3.1993 and were also distributed to the beneficiaries. It is stated that as per the rules, in the assigned land, the beneficiaries have to construct the houses or at least huts, within a period of one year, but the beneficiaries have not constructed the houses in the plots even after elapse of 11 years. It is further stated that since there are large scale complaints by the villagers for assignment of the said land, as the petitioners have not constructed houses even after 11 years, the Revenue Divisional Officer, Karimnagar directed the first respondent to cause enquiry and submit report in the matter. In pursuance of the said direction, the first respondent stated to have inspected the site on 19.8.2004 and found that no huts or houses are existing in the plots in question. In the process, when the first respondent demanded to produce the patta certificates, the petitioners approached this Court by filing the writ petition. It is also stated that as per the age particulars of the petitioners mentioned in the writ petition, some of them are minors when the pattas were granted in their favour and hence, they got the pattas by making wrong representations and thereby violated the rules.

Having regard to the facts and circumstances of the case, the Mandal Revenue Officer-first respondent is directed to conduct a fresh enquiry, as directed by the Revenue Divisional Officer, after duly issuing notice and affording opportunity to the petitioners to establish their case that they are entitled to hold the pattas in their favour, and submit a report to the Revenue Divisional Officer. As long as the pattas granted in favour of the petitioners have not been cancelled, it is needless to say that the respondents shall not interfere with the possession of the petitioners. Status quo obtaining as on today, with regard to the possession of the plots in question, shall be maintained, until the enquiry is concluded and final orders are passed.

With the above directions, the writ petition is disposed of. No order as to costs.

A. GOPAL REDDY. J.

08th October, 2004

tsr.

To

1 The Mandal Revenue Officer, Jammikunta Mandal, Karimnagar District.
2 The Mandal Revenue Inspector, Jammikunta Mandal, Karimnagar District.

4 Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.